

MINUTES

CLINTON TOWNSHIP PLANNING BOARD

www.clintontwpnj.com

July 18, 2022

7:00PM

**IN-PERSON PUBLIC MEETING AT:
THE CLINTON TOWNSHIP PUBLIC SAFETY BUILDING**

Chairman Cimei called the meeting to order at 7:01pm.

Chairman Cimei led the Flag Salute.

Chairman Cimei read the Public Notice.

This is an in-person public meeting of the Planning Board of the Township of Clinton, County of Hunterdon and State of New Jersey. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act in that an Annual Notice was published in the Hunterdon County Democrat and the notice of and agenda for this meeting was posted on the bulletin boards inside and at the front of the Municipal Building and faxed to the Hunterdon County Democrat, the Express Times, the Courier News, the Hunterdon Review, and the Star Ledger, no later than the Friday prior to the meeting.

MEMBERS PRESENT

Butcher, Glaser, Higgins, Kleinhans, Lazarus, Mullay, Cimei

MEMBERS ABSENT

Johnson

BOARD PROFESSIONALS/STAFF PRESENT

Jonathan Drill, Board Attorney
Tom Behrens, Board Planning Expert
Larry Plevier, Board Engineering Expert
Jim Mazzucco, Board Landscape Architectural Expert
Jackie Klapp, Board Stenographer
Denise Filardo, Board Secretary

MEETING MINUTES

None.

RESOLUTIONS

1) GRAYROCK ROAD AREA IN NEED OF REDEVELOPMENT STUDY

- 2 Grayrock Road, Block 77.01, Lot 3
- 10 Grayrock Road, Block 77.01, Lot 2
- 12 Grayrock Road, Block 77.01, Lot 4
- 42 Fairview Avenue, Block 74, Lot 16
- 173 Center Street, Block 74, Lot 17.01
- 3 Grayrock Road, Block 74, Lot 19
- Resolution No. PB-2022-0A

Recommendation that property designated on the Township Tax Map as Block 74 Lots 16, 17.01 And 19 And Block 77.01, Lots 2, 3 And 4, be designated as a Non-Condemnation Area in Need of Redevelopment

Mr. Lazarus motioned and Mr. Higgins seconded a motion to adopt Resolution No. PB-2022-0B. The vote record follows.

Roll Call: Grayrock Road AINR Resolution No. PB-2022-0B						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Butcher			X			
Glaser			X			
Higgins		X	X			
Johnson (Alt. 1)						X
Kleinhans			X			
Lazarus	X		X			
Mullay			X			
Cimei			X			

PUBLIC HEARING

1) 1233 ROUTE 31, LLC

- Block 88, Lots 10 and 11
- Application No. PB-2022-01

Applicant is seeking Preliminary and Final Major Site Plan approval and “c” Variance relief to demolish the existing improvements on Lot 11 to accommodate the development of a new two-story commercial building to be occupied by Hunterdon Roofing, Siding and Window Co.

This application commenced on May 2, 2022 and continued to June 20, 2022 with no need for further notice. The applicant subsequently revised the application to request additional relief and therefore was required to re-notice for a Public Hearing scheduled on July 18, 2022.

Mr. Cimei noted that there was no one from the public in attendance.

The applicant’s attorney, Jeff Curzi noted that the Board recommended that the applicant make some revisions.

The following individuals were sworn and provided testimony during the May 2, 2022 hearing and remain under oath:

1. Chris Nusser, (Applicant's Planning and Engineering Expert),
2. Fred Peoni, (Property Owner),
3. Tom Behrens, (Board Planning Expert),
4. Larry Plevier, (Board Engineering Expert), and
5. Jim Mazzucco (Board Landscape Expert)

EXHIBITS

- A-1 Hunterdon Window and Signing Exhibit,
A-2 Marked up architectural drawing dated November 18, 2021,
A-3 Color Rendered version of Site Plan with aerial photo as a base.

Mr. Nusser was re-called and he noted that changes were made to the plans as requested by Board Professionals. Referencing Exhibit A-3 which is a color rendered and updated version of A-1, his testimony included and was not limited to identifying changes that have been made to the plan including the following:

- The proposed building will now be one-story instead of two-stories eliminating the phasing;
- Proposed building, parking and septic remain in same location;
- Exiting the property onto Red Schoolhouse Road now has a left turn only option;
- The revised plans now comply with Fire Marshal's report;
- New Jersey Water Supply Authority requested that the applicant relocate the existing stone access driveway for NJWSA to avoid conflict with the proposed one-way driveway alignment with the existing access easement.

Mr. Nusser referenced the Board Professional memos and indicated the applicant's compliance or agreement to conditions.

Mr. Nusser provided both negative and positive criteria in support of the requested variances.

BOARD FINDINGS AND CONCLUSIONS:

- The undersized nature of both of the lots has not resulted in substantial detriment to the public good in the past and the proposed development and use of the proposed facility will not result in substantial detriment to the public good in the future if the applicant complies with the conditions set forth below so compliance with the conditions will be a requirement of the use of the proposed facility as well as a requirement of construction of the proposed facility.
- The imposition of the conditions will ensure that the impervious coverage deviation, the yard setback deviations, and the sign setback deviations will not result in substantial detriment to the public good.
- The imposition and compliance with the Board imposed conditions will ensure that the proposed development can be constructed and that the proposed facility can be used

without substantially impairing the intent and purpose of the zoning ordinance provisions at issue as well as the Master Plan and therefore the “C(1) Variance can and should be granted.

- Because of the impact on development of the property by the peculiar site conditions, the literal enforcement of the aforementioned site plan ordinance requirements will exact undue hardship on the applicant by inhibiting the extent the applicant can use the property.
- The literal enforcement of the masonry material requirement for the trash enclosure does not make sense and is imprudent because the wood board-on-board fencing material will fit in better with the aesthetics of the site than the required masonry material.
- All of the requested exceptions are reasonable and within the general purposes and intent of the site plan review provisions of the Township ordinance provided that the exceptions are granted subject to the imposition of and compliance with the Board imposed conditions.
- Aside from the variances and exceptions referenced above, the site plans and architectural drawings referenced above will comply with all other zoning ordinance regulations and site plan ordinance requirements provided that the applicant complies with the Board imposed conditions.
- Matters vital to the public health will be adequately provided, specifically, stormwater drainage, traffic circulation, potable water supply and sewage disposal system, provided that the conditions set forth below are imposed and complied with.
- With respect to traffic circulation the Board was concerned that the applicant did not intend to merge Lot 10 into Lot 11 and, in fact, specifically proposes to keep each of the lots separate and in their existing configurations. The Board determined to impose conditions to address this situation.
- The Board was concerned that the existing stone access driveway for the NJWSA located on Lot 11 would conflict with the proposed one-way driveway alignment exiting the property to Red School House Road which is within the existing NJWSA access easement. The Board imposed conditions to address this situation.
- The Board concluded that Preliminary and Final Site Plan approval can and should be granted subject to the applicant’s compliance with the Board imposed conditions.

RELIEF GRANTED

All of the following relief was granted subject to the applicant’s compliance with the Board imposed conditions:

- “C(1)” Lot Size Variance for Lots 10 and 11
- “C(1)” Impervious Coverage Variance for Lot 10
- “C(1)” Front Yard Setback Variance for the Basin on Lot 11
- “C(1)” Side Yard Setback Variance for the Septic System on Lot 11
- “C(1)” Side Yard Setback Variance for the Trash Enclosure on Lot 11
- “C(1)” Sign Setback Variance for Lot 10
- Exception from Parking Setback Requirement for Lot 11
- Exception from Loading Area Dimension Requirement for Lot 11
- Exception from Replacement Tree Requirement for Lot 11

- Exception from Trash Enclosure Material Requirement for Lot 11
- Exception from Landscape Buffer Requirement for Lot 11
- Elimination of Some of the 1999 BOA Approvals Conditions
- Preliminary and Final Site Plan Approval.

It was noted that there was no one in the public.

The Board took a short recess at 8:05 and the meeting resumed at 8:14pm.

Mr. Higgins motioned and Mr. Lazarus seconded a motion to grant Preliminary and Final Site Plan Approval and related variances. The vote record follows.

<i>Roll Call: 1233 Route 31, LLC FSP, Exceptions and Variances</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Butcher			X			
Glaser			X			
Higgins	X		X			
Johnson (Alt. 1)						X
Kleinhans			X			
Lazarus		X	X			
Mullay			X			
Cimei			X			

APPROVAL OF VOUCHERS

Mr. Cimei motioned and Ms. Kleinhans seconded a motion to approve the vouchers for payment. The vote record follows.

<i>Roll Call: Approval of Vouchers</i>						
Member	Motion	2nd	Yes	No	Not Eligible	Absent
Butcher			X			
Glaser			X			
Higgins			X			
Johnson (Alt. 1)						X
Kleinhans		X	X			
Lazarus			X			
Mullay			X			
Cimei	X		X			

REPORTS

Report from Council – Mr. Glaser reported the following:

- The New Jersey Water Supply Authority (NJWSA) letter of request of the County to close County Route 629 was discussed and sixty (60) plus members of the public expressed their opposition to the permanent road closure.
- Our Court Administrator has resigned.

- Bill Close, who is very well regarded has been appointed and Interim Administrator.
- A Council Meeting is scheduled for tomorrow morning regarding amending the Fox Seals Redevelopment Plan to address issues with the plats. The new ordinance will then be introduced and reviewed by the Planning Board on August 1, 2022.

Board Planning Expert Behrens reported that the Annandale and Route 31 North Highlands Centers have been approved.

Board Attorney Drill reported that the Township's Appellate Division Brief on Affordable Housing Appeal will be filed on Thursday.

Report from Ordinance Subcommittee – Mr. Glaser reported that he has to follow-up with the committee to reprioritize the ongoing list.

- Mr. Cimei noted that a request to redefine “Maximum Depth of Measurement” has been received from BOA Chairman McCaffrey and he asked that the Ordinance Subcommittee add this to their list.

Report from Environmental Commission – Ms. Butcher reported the following:

- The Commission had a Guest speaker Presentation from Sustainable New Jersey which include and not limited to individual residences or commercial properties seeking to gain enough credits to be a wildlife habitat, certifications through their website, lots of interest countrywide contacts.
- Board Attorney Drill noted that if a certain number of points are accumulated, the Municipality can qualify for grants as Readington Township has done this.

Mr. Cimei asked that a Report from Historic Commission be added to future agendas.

ADJOURNMENT

Mr. Lazarus motioned and Mr. Mullay seconded a motion to adjourn. The motion carried unanimously, and the meeting was adjourned at 9:11pm.

Respectfully Submitted,

Denise Filardo

Planning and Zoning Board Secretary

These minutes were approved on June 19, 2023.